

# HOUSE BILL No. 1252

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-35.

**Synopsis:** Public works project procedures. Requires any or all of: (1) the commissioner of the department of administration; (2) the director of the budget agency; or (3) the attorney general; as applicable, to act on certain local public works projects within 15 days. Requires a utility to relocate the utility's facilities within 120 days if the facilities would interfere with a public works project. Allows a local unit and a utility to negotiate an agreement to pay for the cost of relocating the utility's facilities.

**Effective:** July 1, 2007.

### Ripley

January 11, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1252

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-7-35 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]:  
4 **Chapter 35. General Procedures Concerning Public Works**  
5 **Projects**  
6 **Sec. 1.** As used in this chapter, "cost of relocation" has the  
7 meaning set forth in IC 8-1-9-2(b).  
8 **Sec. 2.** As used in this chapter, "utility" has the meaning set  
9 forth in IC 8-1-9-2(a).  
10 **Sec. 3.** If a public works project of a unit requires approval by  
11 any or all of:  
12 (1) the commissioner of the Indiana department of  
13 administration;  
14 (2) the director of the budget agency; or  
15 (3) the attorney general;  
16 a person referred to in subdivisions (1) through (3) from whom  
17 approval is required must take action on the public works project

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1 within fifteen (15) days after the public works project is submitted  
2 to the person for approval.

3 Sec. 4. (a) If a unit determines that the location of a utility's  
4 facilities would interfere with a public works project, the unit may  
5 request in writing that the utility relocate the utility's facilities.

6 (b) A utility shall relocate the utility's facilities within one  
7 hundred twenty (120) days after receiving a written request under  
8 subsection (a).

9 Sec. 5. A unit and a utility may negotiate an agreement to pay  
10 the cost of relocation with respect to facilities of the utility that  
11 would interfere with a public works project unless relocated. To be  
12 binding, an agreement negotiated under this section must be  
13 approved by the fiscal body of the unit.

14 SECTION 2. [EFFECTIVE JULY 1, 2007] IC 36-7-35, as added  
15 by this act, applies to public works projects submitted for approval  
16 after June 30, 2007.

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